

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 14<sup>th</sup> DAY OF MAY, 2012 AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	James D. Politis	-Chair
	William H. Brown	-Vice Chair
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	Matthew R. Gabriele	
	Annette S. Perkins	
	Christopher A. Tuck	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Bob Fronk	-PSA Director
	Dari Jenkins	-Zoning Administrator
	Mitchell Haugh	-Parks & Recreation Director
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

### **CALL TO ORDER**

The Chair called the meeting to order.

### **INTO CLOSED MEETING**

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (7)	Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
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1. Joinder Study

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. Local Workforce Investment Board
  2. NRV Economic Development Alliance
  3. Planning Commission
  4. Social Services Board
  5. Virginia's First Regional Industrial Facilities Authority

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Annette S. Perkins	
William H. Brown	
Mary W. Biggs	
Christopher A. Tuck	
Matthew R. Gabriele	
James D. Politis	

### **OUT OF CLOSED MEETING**

On a motion by William A. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
William H. Brown	
Mary W. Biggs	
Christopher A. Tuck	
Matthew R. Gabriele	
Gary D. Creed	
James D. Politis	

## **CERTIFICATION OF CLOSED MEETING**

On a motion by William A. Brown, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

### **VOTE**

#### **AYES**

William H. Brown  
Mary W. Biggs  
Christopher A. Tuck  
Matthew R. Gabriele  
Gary D. Creed  
Annette S. Perkins  
James D. Politis

#### **NAYS**

None

#### **ABSENT DURING VOTE**

None

#### **ABSENT DURING MEETING**

None

## **INVOCATION**

A moment of silence was led by the Chair.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

## **DELEGATION**

### **Virginia Department of Transportation**

David Clarke, VDOT Residency Administrator, updated the Board on road projects/issues in Montgomery County as follows:

#### **Revenue Sharing Projects:**

##### **Route 643-Yellow Sulphur Road**

Widen and surface treat 0.60 miles of non-hardsurfaced roadway  
Estimated Project Cost = \$552,000  
Preliminary engineering and right of way acquisition has begun.  
Ad date-October 2013

##### **Route 609-Willis Hollow Road**

Widen and surface treat 0.43 miles of non-hardsurfaced roadway  
Work has begun  
Completion date of September 2012

##### **Route 637-Alleghany Spring Road**

Bridge reconstruction  
Bids due May 25, 2012  
Completion date of November 2012

#### **Bridge Projects**

##### **Route 613 Blue Springs Road**

Bridge replacement project was awarded. Work has begun and will require road closure.

##### **Route 674 bridge**

Work will require the road to be closed Friday May 18, 2012 at 9 p.m. to Saturday May 19, 2012 at 9 a.m. VDOT will notify county emergency services.

#### **Speed Studies**

**Route 669 Union Valley Road Speed Study**—approved, signs to be installed soon.

**Route 638 Georges Run Speed Study**—35 mph signs have been installed.

**Route 705 Coal Hollow Road Speed study for 35mph**—35 mph signs to be installed.

Mr. Clarke also reported that the first round of mowing on primary routes is complete and the primary route plant mix schedule has begun.

## **PUBLIC HEARING**

Montgomery County Grant Application to the Virginia Department of Conservation and Recreation (DCR)

**County's intent to submit an application for federal funding assistance from the Recreation Trails Program (RTP) to the Virginia Department of Conservation and Recreation (DCR) for a proposed nature trail/blueway in eastern Montgomery County.**

Mitchell Haugh, Parks & Recreation Director, provided a brief of what the grant funds would be used for. It is the County's desire to submit a grant application for \$43,700 to be used to construct a 1.2 mile loop trail at the park located behind the Elliston Volunteer Fire Department facility. The trail would begin at the park shelter and follow along the river. The trail would gain access to the river for canoeing and kayaking.

There being no speakers, the public hearing was closed.

## **PUBLIC ADDRESS**

Gary Fain expressed concerns with the School Board cutting funding from their FY 2012-2013 budget for the Governor's School. He explained that he has a daughter who has built her entire resume around attending the Governor's School and now will not be able to attend because of lack of funds. Mr. Fain stated that AP classes are not offered at Auburn or Eastern Montgomery County High Schools and scheduling conflicts prohibit students from traveling to Christiansburg or Blacksburg High Schools. He asked the Board to provide an additional \$36,500 to the School Board's budget to cover the cost of the Governor's School.

There being no further speakers, the public address session was closed.

## **CONSENT AGENDA**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated May 14, 2012 was approved.

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Christopher A. Tuck	
Matthew R. Gabriele	
Gary D. Creed	
Annette S. Perkins	
William H. Brown	
James D. Politis	

### **Approval of Minutes**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the minutes dated February 13, February 27, March 1, March 12, and March 19, 2012 were approved.

#### **A-FY-12-74 MONTGOMERY-FLOYD REGIONAL LIBRARY APPROPRIATION OF DONATIONS AND GRANTS**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2012 for the function and in the amount as follows:

710	Montgomery Library	\$20,299
711	Montgomery Library Grant	\$19,162
720	Floyd Library	\$ 2,780
721	Floyd Library Grant	\$ 808
Total		\$43,049

The sources of the funds for the foregoing appropriation are as follows:

#### **Revenue Account**

02710-416158	Library Donations	\$20,299
02710-419108	Montgomery Recovered Costs	\$17,546
02711-419119	Montgomery Gates Grant	\$ 1,616
02720-416158	Library Donations	\$ 2,780
02721-419119	Floyd Gates Grant	\$ 808
Total		\$43,049

Said resolution adjusts the appropriation for use by the Library.

#### **A-FY-12-75 TREASURER DMV STOP FEES AND WARRANT IN DEBT FEES**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2012 for the function and in the amount as follows:

162	Treasurer's Collections	\$12,388
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The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>	
411605 DMV Stop Fee	\$12,304
416010 Warrant-In-Debt Fees	<u>\$ 84</u>
Total	\$12,388

Said resolution appropriates DMV Stop Fees and Warrant in Debt Fees collected to pay the associated fee to the DMV and Commonwealth of Virginia.

**A-FY-12-76**  
**VOTER REGISTRAR**  
**TRANSFER FROM GENERAL CONTINGENCIES**  
**2012 REPUBLICAN PRESIDENTIAL PRIMARY**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

<u>FROM:</u>	
950 General Contingencies	(\$60,076)
<u>TO:</u>	
170 Registrar	\$60,076

Said resolution transfers funds from General Contingencies to the Registrar for costs associated with the 2012 Republican Presidential Primary.

**R-FY-12-127**  
**FY 2009 REVENUE SHARING PROJECT**  
**YELLOW SULPHUR ROAD (SR 643)**  
**TRANSFER FUNDS TO FY 2010 REVENUE SHARING PROJECT**  
**YELLOW SULPHUR ROAD (SR 643)**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby requests the Virginia Department of Transportation to transfer \$152,000 from Revenue Sharing Project UPC 91590 (SR 643 Yellow Sulphur Road) to Revenue Sharing Project UPC 94741 (SR 643 Yellow Sulphur Road) for the purpose of completing the project.

**R-FY-12-128**  
**NEW RIVER COMMUNITY ACTION BOARD**  
**REAPPOINT MARY CRITZER**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Mary Critzer** to the **New River Community Action Board** effective July 1, 2012 and expiring June 30, 2014.

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

**R-FY-12-129**  
**NEW RIVER COMMUNITY COLLEGE BOARD**  
**REAPPOINT F. BRAD DENARDO**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **F. Brad Denardo** to the **New River Community College Board** effective July 1, 2012 and expiring June 30, 2016.

**R-FY-12-130**  
**NEW RIVER VALLEY**  
**COMMUNITY SERVICES BOARD**  
**REAPPOINT MARY W. BIGGS**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Mary W. Biggs** to the **New River Valley Community Services Board** effective July 1, 2012 and expiring June 30, 2015.

BE IT FURTHER RESOLVED, The expiration of a Board of Supervisors term in office shall constitute a voluntary resignation from any board/commission/ authority appointed as a representative of Montgomery County.



## **OLD BUSINESS**

**ORD-FY-12-17  
SPECIAL USE PERMIT  
MONTGOMERY COUNTY (AGENT: SHERIFF J. T. WHITT)  
FOR THE PURPOSE OF AMENDING A CONDITION OF A SPECIAL USE PERMIT  
PREVIOUSLY APPROVED ON MAY 11, 2009 (R-FY-09-162) TO ALLOW MICROWAVE  
DISHES NOT TO EXCEED 2 FT. IN DIAMETER AT A HEIGHT TO ACHIEVE DIRECT  
LINKS TO OTHER 911 FACILITIES THROUGHOUT THE COUNTY  
IN THE PRICES FORK MAGISTERIAL DISTRICT IDENTIFIED AS TAX PARCEL  
NUMBER 066-A-55A, ACCOUNT NO. (S) 071091.**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that the request by Montgomery County (Agent: Sheriff J.T. Whitt) to amend Special Use Permit (R-FY-09-162) for an existing telecommunications tower on approximately 1.008 acres in an Agricultural (A-1) zoning district is consistent with the County's Comprehensive Plan and is hereby approved with the following conditions:

1. The tower shall not exceed a total overall height of 160 feet and shall not have lighting.
2. Engineering plans signed and sealed by a licensed engineer in the State of Virginia shall be submitted and approved by the Building Official prior to issuance of a building permit, if required.
3. The tower structure shall only be utilized by the sheriff, police, fire and rescue, Blacksburg Transit, NRV Emergency Communications Regional Authority, and similar governmental agencies. No platforms or dishes greater than two (2) feet in diameter shall be permitted above the tree line.
4. Tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance.

The property is located at 2080 Oilwell Road and is identified as Tax Parcel No. 066-A-55A (Acct # 071091) in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Residential Transition in the 2025 Comprehensive Plan.

The vote on the forgoing ordinance was as follows:

AYE

Christopher A. Tuck  
Matthew R. Gabriele  
Gary D. Creed  
Annette S. Perkins  
Mary W. Biggs  
William H. Brown  
James D. Politis

NAY

None

**R-FY-12-131  
RESOLUTION ADOPTING THE  
SIX-YEAR SECONDARY ROAD  
IMPROVEMENT PLAN FOR FY 2012/13-2017/18**

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County, Virginia, in cooperation with representatives of the Virginia Department of Transportation, has prepared a proposed Six-Year Plan for Montgomery County listing improvements proposed on the State Secondary Highway System in Montgomery County for which funds are to be budgeted in fiscal years 2012/13-2017/18; and

WHEREAS, A duly advertised public hearing was conducted at the Montgomery County Government Center in Christiansburg, Virginia at 7:00 p.m. on Monday, March 12, 2012 for the purpose of informing interested citizens of the proposed Six-Year Plan for soliciting public input into the planning process in accordance with Section 33.1-70.01 of the Code of Virginia of 1950, as amended; and

WHEREAS, This Board has given due consideration to such input and other factors pertaining to improvements of the State Secondary Highway System in Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby approves the Six-Year Plan for Improvement of the State Secondary Highway System in Montgomery County for fiscal years, 2012/13-2017/18 as shown below:

**MONTGOMERY COUNTY**  
**Secondary Six Year Plan**  
**(2012/13 through 2017/18)**

<b><u>Priority</u></b>	<b><u>Route #</u></b>	<b><u>Road Name</u></b>	<b><u>From: To:</u></b>	<b><u>Description</u></b>
0	VAR	VAR	----	Countywide
1	639	Mt. Pleasant Road	From 0.10 mi. W. Rte. 625 to 1.24 mi. E. Rte. 722	Reconstruct and Surface Treat
2	606	Sidney Church Road	From Rte. 669 to Rte. 673	Reconstruct and Surface Treat
3	600	Piney Woods Road	From Rte. 787 to Rte. 672	Reconstruct Unpaved Portion
4	639	Mt. Pleasant Road	Bridge over Elliott Creek	Reconstruct
5	621	Craig Creek Road	From 7.5 mi. E. Rte. 460 to Craig Co. Line	Surface Treat Unpaved Road
6	643	Yellow Sulphur Road	From 1.0 mi. N. C'Burg to Rte. 642	Reconstruct
7	639	Mt. Pleasant Road	From 0.05 mi W. Rte 722 to 0.07 mi E. Rte 742	Reconstruct

BE IT FURTHER RESOLVED, That adoption of this plan also establishes priorities for preparation of the annual budget for the fiscal year 2012-2013 by the Virginia Department of Transportation Residency Administrator.

The vote on the forgoing resolution was as follows:

**AYE**

Matthew R. Gabriele  
Gary D. Creed  
Annette S. Perkins  
Mary W. Biggs  
William H. Brown  
Christopher A. Tuck  
James D. Politis

**NAY**

None

**NEW BUSINESS**

**R-FY-12-132**

**RESOLUTION APPROVING THE PURCHASE AND ACCEPTANCE  
OF 0.19 ACRES FROM PRICES FORK LAND HOLDINGS, L.L.C. AND  
THE CONVEYANCE BY THE COUNTY OF TWO ACCESS EASEMENTS TO  
PRICES FORK LAND HOLDINGS, L.L.C. ALL ASSOCIATED WITH  
THE CONSTRUCTION OF THE NEW ACCESS ROAD FOR  
THE NEW BLACKSBURG HIGH SCHOOL PROJECT**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, The County needs to acquire 0.19 acres from Prices Fork Land Holdings, L.L.C. ("Property Owner"), for the new access road that will serve the new Blacksburg High School; and

WHEREAS, In acquiring the 0.19 acres the County is taking away the Property Owner's current public access; and

WHEREAS, The County has agreed to provide the Property Owner two new access easements in order to allow the Property Owner access to the public road; and

WHEREAS, The Board of Supervisors and Prices Fork Land Holdings, L.L.C., desires to enter into a Real Estate Sales Agreement dated April 30, 2012, whereby the parties agree that the County will purchase and Prices Fork Land Holdings, L.L.C., will convey the 0.19 acres and the County will convey two Access Easements to Prices Fork Land Holdings, L.L.C. and to perform other improvements to compensate for the Property Owner's loss of access.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agrees to purchase and accept the 0.19 acres from Prices Fork Land Holdings, L.L.C. and further agrees to convey two access easements to Prices Fork Land Holdings, L.L.C. in order to restore their public access.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approves the Real Estate Sales Agreement with Prices Fork Land Holdings, L.L.C. and authorizes the Chair, James D. Politis, to execute the Agreement on behalf of the County and further authorizes the Chair to execute all required documentation on behalf of the County to close the transaction between the Board of Supervisors and Prices Fork Land Holdings, L.L.C. as required by the Real Estate Sales Agreement.

The vote on the forgoing resolution was as follows:

AYE

Gary D. Creed  
Annette S. Perkins  
Mary W. Biggs  
Christopher A. Tuck  
Matthew R. Gabriele  
William H. Brown  
James D. Politis

NAY

None

**R-FY-12-133**  
**RESOLUTION APPROVING THE PURCHASE AND ACCEPTANCE**  
**OF A TEMPORARY CONSTRUCTION EASEMENT FROM**  
**FIVE POINTS LIMITED PARTNERSHIP, RLLP ASSOCIATED**  
**WITH THE NEW AUBURN HIGH SCHOOL CONSTRUCTION PROJECT**

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

WHEREAS, The County needs to acquire a temporary construction easement on Tax Map Parcels 119-(A)-A49A and A50 owned by Five Points Limited Partnership, RLLP for the new Auburn High School construction project; and

WHEREAS, In consideration of the sum of Five Hundred Fifty-Seven Dollars (\$557.00) Five Points Limited Partnership, RLLP has agreed to convey to the County a Temporary Construction Easement on a portion of Tax Parcels 119-(A)-A49A and A50; and

WHEREAS, The Board of Supervisors hereby agrees to pay Five Points Limited Partnership, RLLP, Five Hundred Fifty-Seven Dollars (\$557.00) for the temporary construction easement and further agrees to authorize the Chair, James Politis, to accept the conveyance on behalf of the County of Montgomery.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agrees to pay Five Points Limited Partnership, RLLP Five Hundred Fifty-Seven Dollars (\$557.00) as consideration for the conveyance of a Temporary Construction Easement on a portion of Tax Parcels 119-(A)-A49A and A50 for the new Auburn High School Construction Project; and

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby agrees to authorize the Chair, James Politis, to sign the Deed conveying the said temporary construction easement to the County for the sole purpose of accepting the conveyance on behalf of the County of Montgomery, Virginia.

The vote on the forgoing resolution was as follows:

**AYE**

Annette S. Perkins  
William H. Brown  
Mary W. Biggs  
Christopher A. Tuck  
Matthew R. Gabriele  
Gary D. Creed  
James D. Politis

**NAY**

None

**R-FY-12-134**  
**RESOLUTION APPROVING THE PURCHASE AND ACCEPTANCE**  
**OF A TEMPORARY CONSTRUCTION EASEMENT FROM**  
**MICHAEL HINKLEY AND MELISSA C. SHEPHERD ASSOCIATED**  
**WITH THE NEW AUBURN HIGH SCHOOL CONSTRUCTION PROJECT**

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

WHEREAS, The County needs to acquire a temporary construction easement on Tax Map Parcel 119-(A)-A47 owned by Michael Hinkley and Melissa C. Shepherd for the new Auburn High School construction project; and

WHEREAS, In consideration of the sum of One Hundred Sixty-Six Dollars (\$166.00) Michael Hinkley and Melissa C. Shepherd have agreed to convey to the County a Temporary Construction Easement on a portion of Tax Parcel 119-(A)-A47; and

WHEREAS, The Board of Supervisors hereby agrees to pay Michael Hinkley and Melissa C. Shepherd One Hundred Sixty-Six Dollars (\$166.00) for the temporary construction easement and further agrees to authorize the Chair, James Politis, to accept the conveyance on behalf of the County of Montgomery.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agrees to pay Michael Hinkley and Melissa C. Shepherd One Hundred Sixty-Six Dollars (\$166.00) as consideration for the conveyance of a Temporary Construction Easement on a portion of Tax Parcel 119-(A)-A47 for the new Auburn High School Construction Project; and

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby agrees to authorize the Chair, James Politis, to sign the Deed conveying the said temporary construction easement to the County for the sole purpose of accepting the conveyance on behalf of the County of Montgomery, Virginia.

The vote on the forgoing resolution was as follows:

AYE

William H. Brown  
Mary W. Biggs  
Christopher A. Tuck  
Matthew R. Gabriele  
Gary D. Creed  
Annette S. Perkins  
James D. Politis

NAY

None

**R-FY-12-135**  
**RESOLUTION APPROVING THE PURCHASE AND ACCEPTANCE**  
**OF A DRAINAGE EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT**  
**FROM PATRICIA H. WHITLOCK AND C. WAYNE WHITLOCK**  
**ASSOCIATED WITH THE NEW AUBURN HIGH SCHOOL**  
**CONSTRUCTION PROJECT**

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

WHEREAS, The County needs to acquire a temporary construction easement and a drainage easement on Tax Map Parcels 119-(A)-A41 and A42 owned by Patricia H. Whitlock and C. Wayne Whitlock for the new Auburn High School construction project; and

WHEREAS, In consideration of the sum of Five Hundred Thirty-Eight Dollars (\$538.00) Patricia H. Whitlock and C. Wayne Whitlock have agreed to convey to the County a Drainage Easement and a Temporary Construction Easement on a portion of Tax Parcels 119-(A)-A41 and A42; and

WHEREAS, The Board of Supervisors hereby agrees to pay Patricia H. Whitlock and C. Wayne Whitlock Five Hundred Thirty-Eight Dollars (\$538.00) for the drainage easement and the temporary construction easement and further agrees to authorize the Chair, James Politis, to accept the conveyances on behalf of the County of Montgomery.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agrees to pay Patricia H. Whitlock and C. Wayne Whitlock Five Hundred Thirty-Eight Dollars (\$538.00) as consideration for the conveyance of a Drainage Easement and a Temporary Construction Easement on a portion of Tax Parcels 119-(A)-A41 and A42 for the new Auburn High School Construction Project; and

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby agrees to authorize the Chair, James Politis, to sign the Deed conveying the said property interests to the County for the sole purpose of accepting the conveyances on behalf of the County of Montgomery, Virginia.

The vote on the forgoing resolution was as follows:

AYE

Mary W. Biggs  
Christopher A. Tuck  
Matthew R. Gabriele  
Gary D. Creed  
Annette S. Perkins  
William H. Brown  
James D. Politis

NAY

None

**R-FY-12-136**  
**RESOLUTION APPROVING THE PURCHASE AND ACCEPTANCE**  
**OF A TEMPORARY CONSTRUCTION EASEMENT**  
**FROM LLOYD G. ALTIZER AND OLIVIA K. ALTIZER**  
**ASSOCIATED WITH THE NEW AUBURN HIGH SCHOOL**  
**CONSTRUCTION PROJECT**

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

WHEREAS, The County needs to acquire a temporary construction easement on Tax Map Parcel 129-(A)-2A owned by Lloyd G. Altizer and Olivia K. Altizer, husband and wife, for the new Auburn High School construction project; and

WHEREAS, In consideration of the sum of Forty-Eight Dollars (\$48.00) Lloyd G. Altizer and Olivia K. Altizer have agreed to convey to the County a Temporary Construction Easement on a portion of Tax Parcel 129-(A)-2A; and

WHEREAS, The Board of Supervisors hereby agrees to pay Lloyd G. Altizer and Olivia K. Altizer Forty-Eight Dollars (\$48.00) for the temporary construction easement and further agrees to authorize the Chair, James Politis, to accept the conveyance on behalf of the County of Montgomery.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agrees to pay Lloyd G. Altizer and Olivia K. Altizer Forty-Eight Dollars (\$48.00) as consideration for the conveyance of a Temporary Construction Easement on a portion of Tax Parcel 129-(A)-2A for the new Auburn High School Construction Project.

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby agrees to authorize the Chair, James Politis, to sign the Deed conveying the said temporary construction easement to the County for the sole purpose of accepting the conveyance on behalf of the County of Montgomery, Virginia.

The vote on the forgoing resolution was as follows:

**AYE**

Christopher A. Tuck  
Matthew R. Gabriele  
Gary D. Creed  
Annette S. Perkins  
William H. Brown  
Mary W. Biggs  
James D. Politis

**NAY**

None



**R-FY-12-137**  
**RESOLUTION APPROVING THE PURCHASE AND ACCEPTANCE**  
**OF A SLOPE MAINTENANCE EASEMENT,**  
**A SLOPE MAINTENANCE AND DRAINAGE EASEMENT AND**  
**A TEMPORARY CONSTRUCTION EASEMENT**  
**FROM RONALD EDWIN SALMONS ASSOCIATED WITH**  
**THE NEW AUBURN HIGH SCHOOL CONSTRUCTION PROJECT**

On a motion by Mary W. Biggs, seconded by Christopher A. Tuck and carried unanimously,

WHEREAS, The County needs to acquire a Slope Maintenance Easement, a Temporary Construction Easement and a Slope Maintenance and Drainage Easement on a portion of Tax Map Parcels 119-(A)-35, 36 & 37 owned by Ronald Edwin Salmons for the new Auburn High School construction project; and

WHEREAS, In consideration of the sum of One Thousand Four Hundred Nineteen Dollars (\$1,419.00) Ronald Edwin Salmons has agreed to convey to the County a Slope Maintenance Easement, a Slope Maintenance and Drainage Easement and a Temporary Construction Easement on a portion of Tax Parcels 119-(A)-35, 36 & 37; and

WHEREAS, The Board of Supervisors hereby agrees to pay Ronald Edwin Salmons One Thousand, Four Hundred Nineteen Dollars (\$1,419.00) for the Slope Maintenance Easement, the Slope Maintenance and Drainage Easement and the Temporary Construction Easement and further agrees to authorize the Chair, James D. Politis, to accept the conveyances on behalf of the County of Montgomery, Virginia.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agrees to pay Ronald Edwin Salmons One Thousand, Four Hundred Nineteen Dollars (\$1,419.00) as consideration for the conveyance of the Slope Maintenance Easement, the Slope Maintenance and Drainage Easement and a Temporary Construction Easement on a portion of Tax Parcels 119-(A)-35, 36 & 37 for the new Auburn High School Construction Project.

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby agrees to authorize the Chair, James D. Politis, to sign the Deed conveying the said property interests to the County for the sole purpose of accepting the conveyances on behalf of the County of Montgomery, Virginia.

The vote on the forgoing resolution was as follows:

AYE

Matthew R. Gabriele  
Gary D. Creed  
Annette S. Perkins  
William H. Brown  
Mary W. Biggs  
Christopher A. Tuck  
James D. Politis

NAY

None

**R-FY-12-138  
PROCLAMATION  
NATIONAL POLICE OFFICER MEMORIAL WEEK MAY 13-19, 2012**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Congress and the President of the United States have designated May 15 as Peace Officers' Memorial Day and the week in which May 15 falls as National Police Week, to pay tribute to the law enforcement officers who have made the ultimate sacrifice for our country and to voice appreciation for all those who currently serve to protect the rights and freedoms of our citizens; and

WHEREAS, During 2011, 166 Law Enforcement Officers were lost in the line of duty, and to date this year 34 officers have died; and

WHEREAS, The law enforcement officers of the Montgomery County Sheriff's Office play an essential role in protecting the rights and freedoms of the citizens of Montgomery County; and

WHEREAS, The Montgomery County Sheriff's Office wishes to honor those officers who lost their lives during 2011 and remember those from Montgomery County who have also paid the ultimate sacrifice: Officer Terry Griffith, Officer Scott Hylton, Security Guard Derrick McFarland, Corporal Eric Sutphin, and Officer Deriek Crouse.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, that the Board of Supervisors calls upon all citizens of Montgomery County and all patriotic, civic and educational organizations to observe the week of **May 13-19, 2012** as **National Police Week** with appropriate ceremonies and observances in which all citizens may join in commemorating law enforcement officers, past and present, who have bravely dedicated their lives to serving and protecting the citizens in their communities.

BE IT FURTHER RESOLVED, The Board of Supervisors calls upon all citizens of Montgomery County to observe **Police Officers' Memorial Day on May 15, 2012** in honor of those law enforcement officers who have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Annette S. Perkins	
William H. Brown	
Mary W. Biggs	
Christopher A. Tuck	
Matthew R. Gabriele	
James D. Politis	

The County Administrator requested that the Board remove the Joinder Study issue from the items to discuss under Work Session and add it to a future agenda.

By consensus, the Board removed the Joinder Study issue from the work session.

### **INTO WORK SESSION**

On a motion by William H. Brown, seconded by Matthew R. Gabriele and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

#### **1. Future Appropriation of One-time Money**

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
William H. Brown	
Mary W. Biggs	
Christopher A. Tuck	
Matthew R. Gabriele	
Gary D. Creed	
James D. Politis	

### **Future Appropriation of One-Time Money**

The Assistant County Administrator provided the Board a list of recommended projects to be funded from the one-time monies generated from the real estate tax increase as follows:

#### **Sheriff Department**

K9 + Training	\$17,300
Office Equipment	2,300
Write Blocker Software	900

#### **Fire and Rescue**

BFD Repeater	13,000
CFD Poor Mt. Tower	15,000
CRS Poor Mt. Tower	15,000
Shawsville Poor Mt. Tower	10,000

#### **General Services**

LDO Software	60,000
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#### **Parks and Recreation**

PA System	1,000
Huckleberry Trail benches	4,000
Signage	2,000
Equipment	6,200
Motor Mile Park	150,835

#### **Registrar**

Poll Books, etc.	3,075
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#### **Clerk**

E-filing	28,000
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#### **Other**

Museum Roof	5,000
Mt. View Cat Pilot	30,000
Classification Study	<u>35,000</u>
Total	\$398,610

#### **School Requests**

Technology	\$150,000
School Buses	\$350,000
Building Repair	<u>\$250,000</u>
Total	\$750,000

Grand Total	<u>\$1,148,610</u>
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The balance of \$3 million is recommended to be placed in the County reserves as follows:

Capital Reserves	\$1 million
Facilities Reserves	\$750,000
Fuel Reserves	\$200,000
Sheriff Reserves	\$50,000
Animal Shelter Reserves	\$1 million

The Board discussed staff's recommendations on one-time funding as follows:

**Motor Mile Park** – paving of park- \$150, 835: Supervisor Creed stated he is not against paving the parking lot at the Motor Mile Park; however, he believes something needs to be done to the ballfields located at the Shawsville Elementary School (SES). He asked who is responsible for maintaining these fields. The parking lot at these fields are not paved and he questioned if the parking lot at the Motor Mile Park should be paved.

Supervisor Brown stated that Parks and Recreation has very limited funds for improving athletic fields. He stated that the County still has to share the school fields. Supervisor Brown stated the School Board still has ownership of the SES and until the school is surplus and given to the County, the Board of Supervisors should not have any discussions as to what to do with the fields.

Supervisor Tuck stated that according to the County's Ordinance, the parking area must be hard surfaced. He supports amending the County's ordinance relating to parking lots. There is potential cost savings if the entire parking lot did not have to be paved. He believes a small area may need to be paved for handicapped parking.

**Compensation & Classification Study** – The County Administrator stated this study is intended to provide an update on positions in the Compensation & Classification Plan that need to be addressed; for example, positions that are hard to fill or have a large turnover. This study would not review the entire plan as it would cost around \$150,000 to provide a complete review.

Board members asked if the study could be completed in-house. The County Administrator replied that it has been his experience that a study on compensation and classification of positions should be completed by an outside agency to avoid any perception of bias from employees.

**School Board** request for one-time funding for technology upgrades, purchase of school buses, and facilities repair. Supervisor Biggs reported that the School Board discussed the need for one-time funding to address the need for on-going technology upgrades, to purchase school buses and repairs to facilities. The School Board did agree that if a supplemental appropriation of \$750,000 was approved that this money would be used for what they requested.

The County Attorney reported that a supplemental appropriation to the School Board is different from the budget appropriation. The Board of Supervisors may determine where the supplemental funding will be spent.

The Assistant County Administrator suggested that the Board of Supervisors ask for a letter of request on how the one-time funding of \$750,000 will be used.

**Animal Shelter Reserve – \$1 Million:** The County Administrator recommends that one million dollars be put into a reserve for a new animal shelter. He stated this will give the county some leverage when applying for grants as we will have some funding to match the grant funds. It may also be helpful in obtaining donations as it shows the county's good faith effort in trying to get a new shelter in the county.

Supervisor Creed asked if the old Shawsville Elementary School could be used for an animal shelter. He believes the school facility could be renovated for half the price of constructing a new facility. The ballfields could be saved and be used by the County. Supervisor Creed stated that it may not be feasible, but asked staff to investigate the possibility of using the old SES.

Supervisor Biggs believes that an animal shelter needs to be in a more centralized location. Supervisor Brown stated that many of the volunteers are from Virginia Tech and the Vet School and believes it will be more difficult for the volunteers to travel to Shawsville than Christiansburg.

Supervisor Creed stated that the old SES is six miles from the current animal shelter. He does not believe this to be an issue. There are VT student that volunteer at the YMCA in Shawsville and he has heard that volunteers will be running the proposed thrift store.

The County Administrator stated that staff will look into the feasibility of locating the animal shelter at the old SES site.

### **OUT OF WORK SESSION**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the forgoing motion was as follows:

#### **AYE**

William H. Brown  
Mary W. Biggs  
Christopher A. Tuck  
Matthew R. Gabriele  
Gary D. Creed  
Annette S. Perkins  
James D. Politis

#### **NAY**

None

## **COUNTY ADMINISTRATOR'S REPORT**

The County Administrator reported on the following items:

- BackCountry.com facility is progressing nicely. The estimated completion date is August 15, 2012.
- Demolition of the old Elliston/Lafayette Elementary School – Bids to demolish the old ELES are due May 16, 2012. After the demolition is complete the property will be put on the market to sell.
- The School Board has indicated the old Prices Fork Elementary School will be surplus and turned over to the County in the next several months.

## **BOARD MEMBERS' REPORTS**

**Supervisor Creed** asked fellow Board members to consider appointing Cynthia Wells Disney to the Planning Commission to fill the unexpired term of Pug Wells.

### **R-FY-12-139 MONTGOMERY COUNTY PLANNING COMMISSION APPOINTMENT CYNTHIA WELLS DISNEY**

On a motion by Gary D. Creed, seconded by Christopher A. Tuck and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Cynthia Wells Disney** to the **Montgomery County Planning Commission** effective May 15, 2012 and expiring December 19, 2013.

Said appointment fills the unexpired term of Malvin L. Wells, deceased.

The vote on the forgoing resolution was as follows:

#### **AYE**

Matthew R. Gabriele  
Christopher A. Tuck  
Mary W. Biggs  
William H. Brown  
Annette S. Perkins  
Gary D. Creed  
James D. Politis

#### **NAY**

None

## **Board Members' Reports Continued**

**Supervisor Tuck** attended the Planning Commission meeting. The Planning Commission discussed the issue of penned animals at the request of the Board of Supervisors. The Planning Commission felt that this would be hard to regulate in the Agriculture District and believes that

any complaints can be handled under the County's Nuisance Ordinance. A letter with their recommendations will be forwarded to the Board of Supervisors.

Planning Commission Vacancy – Supervisor Tuck reported that Ryan Thum submitted his resignation to the Planning Commission due to accepting a job out of the area.

Supervisor Brown presented a plaque given by the Blacksburg Dixie League team showing their token of appreciation to the Board of Supervisors for providing funding to the Dixie League to cover expenses at the National World Dixie League Championship in 2011. The plaque will be displayed in the Government Center.

Supervisor Brown also reported that the Elliston Volunteer Fire Department celebrated their 55<sup>th</sup> Anniversary on April 28, 2012.

Supervisor Biggs reported the School Board scheduled a public hearing on the FY 13 School Budget on May 15, 2012 at 7:00 p.m.

Supervisor Politis reported he will be making a presentation on Industrial Hemp to the Giles County Board of Supervisors on May 18, 2012 and to the Pulaski County Board of Supervisors on May 21, 2012. He is in the process of scheduling a presentation to the Roanoke County and Botetourt County Board of Supervisors in the near future. A meeting with the Commonwealth's Secretary of Commerce is also being scheduled.

PolyPavement an alternative to paving parking lots and secondary roads. Supervisor Politis reported he has been researching an alternative to asphalt paving. PolyPavement is a liquid soil solidifier that sprays on the soil turning it into a solid pavement. The New York State College used this option to pave a parking lot for a cost savings of \$400,000. The cost of traditional asphalt paving was \$486,000 vs. \$75,000 for polypavement.

Supervisor Politis stated he has had discussions with VDOT and the MPO to see if they would be interested in the option. He believes there could be a vast savings by using this method of paving.

## **ADJOURNMENT**

The Chair declared the meeting adjourned to Tuesday, May 29, 2012 at 6:00 p.m.

The meeting adjourned at 9:40 p.m.

APPROVED _____	ATTEST: _____
James D. Politis	F. Craig Meadows
Chair	County Administrator